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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/780,534	02/09/2001	Toshiharu Koshino	8861-401US (P24597-01)	8386
570	7590	09/19/2006	EXAMINER	
AKIN GUMP STRAUSS HAUER & FELD L.L.P. ONE COMMERCE SQUARE 2005 MARKET STREET, SUITE 2200 PHILADELPHIA, PA 19103			NGUYEN, HUY THANH	
			ART UNIT	PAPER NUMBER
			2621	

DATE MAILED: 09/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/780,534	<b>Applicant(s)</b> KOSHINO ET AL.	
	<b>Examiner</b> HUY T. NGUYEN	<b>Art Unit</b> 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/12/06</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 06 June 2006 has been entered.

### ***Claim Rejections - 35 USC § 102***

2. Claims 1,4,8 and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Nagashima et al (6,205,104).

Regarding claim 1,4,8 and 10, Nagashima discloses a data recording device (Figs. 1,2 and 3) comprising:

an interface part for receiving digital data;

a disc (2) which can record said digital data ;

a block generation part (14,15) for identifying data blocks in the frame unit from among said received digital data and for generating, at least, the first audio block and the second audio block (Sg01,SG02) from among said data blocks; and

a data recording and reproduction control part for controlling said first audio block and said second audio block of a segment (sector) to be recorded respectively from the leading address (block address, column 9, lines 50 to column 10, line 6) .

3. Claims 2 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Kawakami et al (5,991,502).

Regarding claim 2 , Kawakami teaches data recording device (Fig. 3, column 7, line 10 to column 8, line 11) characterized by comprising:

an interface part for receiving digital video data;  
a disc (optical disc) which can record said digital video data;  
a block generation part (4,5) for identifying data blocks (c1,c2,c3) in the frame unit from among said received digital data and for generating, at least, a first video block and a second video block from among said data blocks; and

a data recording and reproduction control part for controlling said first video block and said second video block to be recorded respectively from the leading address of a recording segment ( a group) formed on said disc (Fig. 2, column 6).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 3, 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nagashima et al in view of Takahashi (JP 11-144392).

Regarding claim 3, Nagashima does not teach that the data blocks further comprising video blocks. Takahashi teaches using video blocks as data block Figs. 9-12 Abstract, sections 006-0013, 0029-0033).

It would have been obvious to one of ordinary skill in the art to modify Nagashima with Takahashi by providing video blocks for the digital data as an additional data source when needed.

Regarding claim 5, Nagashima does not teach that the first audio block and second audio block are formed from audio block for 16 frames.

Takahashi teaches that the audio blocks can be formed for 16 frames (section 007, N frames).

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It would have been obvious to one of ordinary skill in the art to modify Nagashima with Takahashi by providing the audio block for 16 frames as an alternative forming the audio blocks.

Regarding claim 6, Nagashima as modified with Takahashi further teaches that the medium is a hard disc (See Takahashi section 0067)

6. Claims 7 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nagashima in view of Fujinami et al (5,940,351).

Regarding claims 7 and 11, Nagashima fails to teach the audio signal blocks comprising stereo audio signal blocks.

Fujinami teaches generating audio signals of stereo audio signal into audio blocks (column 5, line 60 to column 6, line 5). It would have been obvious to one of ordinary skill in the art to modify Nagashima with Fujinami by using stereo audio signal generating means as taught by Fujinami with the apparatus of Nagashima for receiving stereo audio signals and generating the stereo audio signal blocks thereby provide more interesting to the user when hearing the audio signal.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Nagasawa teach apparatus for recording video blocks and audio blocks having leading addresses.

***Response to Arguments***

8. Applicant's arguments filed 06 June 2006 with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T. NGUYEN whose telephone number is (571) 272-7378. The examiner can normally be reached on 8:30AM -6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on (571) 272-7950. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

H.N

  
HUY NGUYEN  
PRIMARY EXAMINER